



Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number:  
P.C. May 25, 2005 Item:

File Number:  
GP04-02-03 and PDC05-004

Council District and SNI Area:  
2

Major Thoroughfares Map Number:  
116

Assessor's Parcel Number(s):  
679-01-012

Project Manager: Meera Nagaraj

# GENERAL PLAN AMENDMENT AND REZONING STAFF REPORT SPRING 2005 HEARING

## PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram from Industrial Park to Industrial Park with Mixed Industrial Overlay, and rezoning application to change the IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District on an approximately 16.4-acre site.

**LOCATION:** Southwest corner of Hellyer Avenue and Embedded Way (formerly Branham Lane East) (800 Embedded Way)

**ACREAGE:** Approximately 16.4 acres

## APPLICANT/OWNER:

Berg and Berg

## GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Industrial Park

Proposed Designation: Industrial Park with Mixed Industrial Overlay

## ZONING DISTRICT(S):

Existing Designation: IP Industrial Park

Proposed Designation: IP Industrial Park (PD) Planned Development

## SURROUNDING LAND USE AND GENERAL PLAN DESIGNATION(S):

North: Industrial; Industrial Park across Embedded Way

South: Coyote Creek Park Trail; Public Park and Open Space

East: Vacant; Industrial Park

West: Coyote Creek; Public Park and Open Space

## ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration circulated on May 6, 2005.

## PLANNING STAFF RECOMMENDATION:

Industrial Park with Mixed Industrial Overlay for  
General Plan amendment/IP(PD) Planned Development  
Zoning for rezoning request

Approved by:

Date:

## PLANNING COMMISSION RECOMMENDATION:

## CITY COUNCIL ACTION:

**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- Department of Public Works: The Transportation and Development Services Division (DPW) has stated that:
  - Before approval of a tract or parcel map, the applicant will be required to pay sewage fees. (See memo dated 2/10/05; Final Response to Planned Development application.)
  - The property is in Geological Hazard Zone, State Liquefaction Zone. (See memo dated 12/3/04; Final Response to General Plan amendment application.)
- Department of Transportation: The proposed land use change is exempt from a computer model (TRANPLAN) traffic impact analysis. (See memo dated 4/20/05; Response to Traffic Analysis Impact for GP04-02-03.)
- Environmental Services Department: No comments.
- Police Department: Sufficient parking lot lighting should be provided on the east side and parking proposed next to the creek should have adequate lighting for safety and security. If not possible, due to riparian restrictions, then there should not be any parking in this area, and a fence should separate the facility from the creek. (See email message 2/28/05.)
- San José Fire Department: Site flow requirement may be as high as 4,500 GPM. (See memo dated 12/09/04.)
- Building Division, Department of Planning, Building and Code Enforcement: The building is undergoing occupancy change: allowable area calculations need to be made for the new occupancy; seismic analysis and possible retrofit may be required in accordance with the current code; handicap accessibility, bathroom fixture counts, and possible increase in number of fixtures/bathrooms are required. (See e-mail note dated February 3, 2005.)
- Parks and Recreation Department, County of Santa Clara: The department has concerns regarding potential impacts to parklands and Coyote Creek. Sheet drainage from the proposed impervious surfaces and the parking lot on the west and northwest sides of the building flowing across the park and existing trail could flow into Coyote Creek. The site should be graded away from the creek and park, and that drainage water should be collected in drainage pipes and flow into the existing storm drain. No parking stalls should be provided on the west side of the building, and impervious surfaces should be kept to a minimum. The department recommends an expanded vegetated buffer on the west side. (See memo dated 2/14/05.)
- Santa Clara Valley Water District: The District has stated that site design measures should be incorporated in the project site to reduce impervious areas and address water quality and quantity issues. The July 27, 1988 Hydrology Study by Schaaf and Wheeler should be revised and mitigation measures provided that address the increased runoff rates and volume. (See memo dated January 18, 2005.)
- Pacific Gas and Electric Company: No comments.
- Municipal Water System: This site was partially constructed in 1999. A Major Water Facility Fee (MWFF) calculated for the planned 1999 water usage for the site was not collected. A new MWFF will be required for the new use of the site. The development will be subject to other fees as stated in the memo. (See memo dated December 6, 2004 and February 2, 2005)
- Redevelopment Agency (Industrial Division): The Redevelopment Agency supports the project concept on condition that it is consistent with the General Plan, zoning laws, health and safety regulations and the Edenvale Redevelopment Project Area Plan. The Agency identified a list of compatibility issues for consideration with respect to the current and potential industrial tenants in the Edenvale Area. (See memo received on December 14, 2004.)
- Department of Fish and Game: The CEQA document should identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. (Memo dated December 6, 2004.)

**GENERAL CORRESPONDENCE:**

Staff received comments regarding this project through written correspondence and telephone calls. At the community meeting held on February 16, 2005, two residents expressed concern regarding existing industrial uses in their neighborhood, more people being attracted to this area, and how the proposed General Plan amendment and Planned Development zoning could affect the existing residential uses in the area. These comments are addressed in the Public Outreach section of this staff report.

**ANALYSIS AND RECOMMENDATIONS:****PROJECT DESCRIPTION**

This staff report addresses two pending privately initiated applications: **1)** a General Plan amendment request (File No. GP04-02-03) to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay; and **2)** a Rezoning (File No. PDC05-004) from IP Industrial Park to IP (PD) Planned Development Zoning District to allow indoor recreational uses including supporting commercial uses in an existing manufacturing building that is 236,755 square feet in area. The 16.4-acre site is located at the southwest corner of Hellyer Avenue and Embedded Way (800 Embedded Way, formerly Branham Lane East). Approval of this General Plan amendment and rezoning, with a subsequent approval of a pending Planned Development permit on the subject site would potentially allow redevelopment of the site to add approximately 9,000 square feet on the second floor of the existing building and additional parking (approximately 430 new spaces.)

The existing General Plan land use designation of Industrial Park is an exclusive industrial designation intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing and offices. The proposed addition of the Mixed Industrial Overlay would change the industrial character to allow a broader range of uses such as a mixture of primarily industrial with compatible commercial or public/quasi-public uses, or the site may be developed entirely with industrial uses in accordance with the base designation of Industrial Park.



**Aerial Exhibit** (Source: Department of Public Works, 2001. City of San José.)



**BACKGROUND**

In 1998, a Site Development permit (File No. H98-116) was approved by the Director of Planning, Building and Code Enforcement to allow one manufacturing building 253,791 square feet in area and a two-story research and development office building for use by Candescant Technologies on a larger site area of approximately 24 acres. The existing 236,755 square-foot structure, which was never completed, has remained an unoccupied shell since it was constructed in 1999. It is located on a 16.4-acre portion of the earlier approved (approximately 24-acre) site. The applicant has concurrently filed an application for a tentative map with the City to subdivide the 24-acre parcel into two parcels.

The project as it stands has proven not to be economically viable for its current use. It is also posing security issues to the residents in the surrounding neighborhoods, due to lack of on-site surveillance. The applicant has stated that there has been vandalism in the past on the subject property, which has proven to be expensive to repair. Some of the residents also have complained about undesirable activities by people around the unoccupied property. The convenient location of Coyote Creek Park trail immediately next to the site seems to provide an opportunity for undesirable activities around the site.

**Site and Surrounding Uses**



Northwest corner of the building looking from Embedded Way



Coyote Creek beyond Embedded Way Looking west



North elevation of the building looking from Embedded Way

The subject site is located at the southwest corner of Hellyer Avenue and Embedded Way. Industrial buildings surround the property to its northern and eastern sides. Coyote Creek Park trail wraps around the property's southern and western sides. The subject site is located in the northern portion of the Edenvale Development Policy Area.

### **Edenvale Area Policy**

The Edenvale Area Development Policy was adopted for the Edenvale Redevelopment Area by the City Council in 1995 when interest was high for development in the Area. It was intended to allow development to occur in a reasonably expeditious fashion and at an appropriate level of intensity, while managing associated traffic congestion.

### **ANALYSIS**

The key issues in analyzing the proposed General Plan amendment and rezoning are: 1) consistency with the *San José 2020 General Plan* Major Strategies, goals, and policies; 2) land use compatibility; and 3) appropriateness of the proposed zoning district.

### **Consistency with the *San José 2020 General Plan* Major Strategies, Goals, and Policies**

The following Major Strategies, goals, and policies of the General Plan are applicable to the applicant's proposed General Plan amendment.

#### **Economic Development Major Strategy**

The Economic Development Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San José's residents. The proposed subject site involves the reuse of an existing unoccupied industrial building for indoor recreation uses, which could provide employment opportunities for San José residents.

*Economic Development Goal No. 2:* Create a stronger municipal tax base by obtaining a greater share of the total industrial and commercial development in the County, protecting the exclusively industrial areas from incompatible development, and by nurturing and encouraging expansion of the existing industrial and commercial development in the City.

The proposed General Plan amendment is consistent with this goal in that the project could strengthen the municipal tax base of the City by facilitating the adaptation of an existing unoccupied industrial building to a potential new commercial use.

*Economic Development Policy No. 2:* To increase employment opportunities for San José citizens, the City should:

- Seek to attract businesses and industries, which are particularly suited to the area.
- Protect the industrial lands designated exclusively for industrial uses.
- Attract a diverse mixture of businesses and industries that can provide jobs suitable for the City's unemployed and under-employed labor force.

The proposed General Plan amendment is consistent with this policy because it would allow a diverse mixture of businesses to occupy the industrial building, thereby providing jobs suitable for the City's labor force.

### Commercial Land Use Goals and Policies

The Commercial Land Use Goals and Policies reflect the need to locate new commercial uses in the City near residential communities, to facilitate convenient amenities and easy access to professional services, and to contribute to the economic base of the City.

*Commercial Land Use Policy No. 1:* Commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel.

Use of the existing unoccupied building on the project site for indoor recreation uses would help meet the recreational needs of the nearby residential and industrial communities, and the conversion of the existing structure to a use that is in demand would provide new commercial uses to the community.

*Industrial Land Use Policy No.15:* Exclusively industrial areas should be reserved for industrial uses to the extent possible.

The subject property has remained unoccupied since it was constructed for use as a manufacturing facility by Candescant Technologies in 1999. Due to changing economic conditions in the County and the region, many of the properties designated as industrial in the surrounding Edenvale area are currently vacant or undeveloped. The site has proven not to be economically viable for its current use at this time. It is also posing a security issue to the residents in the surrounding neighborhoods. When the economy improves, the site can be easily converted back to industrial uses. Therefore, on balance, the proposed project is in conformance with the *Industrial Land Use Policy No.15*.

### **Land Use Compatibility**

The subject site is the Edenvale industrial area. Areas just west of the property across the Coyote Creek Park trail are residential. Allowing the General Plan land use designation change from Industrial Park to the proposed Industrial Park with Mixed Industrial Overlay designation would form a good transition between the industrial and the residential areas. The Mixed Industrial Overlay would change the industrial character to allow a broader range of uses such as a mixture of primarily industrial with compatible commercial or public/quasi-public uses, or the site may be developed entirely with industrial uses in accordance with the base designation of Industrial Park.

### **Appropriateness of Rezoning the proposed zoning district**

The proposed IP Industrial Park (PD) Planned Development Zoning District would allow indoor recreational uses that conform to the Industrial Park with Mixed Industrial Overlay designation that is being concurrently proposed on the subject site. The proposed IP(PD) Planned Development Zoning District is intended to support the Economic Development Goals and Policies and Commercial Land Use Goals and Policies of the General Plan through the Planned Development Zoning District's use regulations and development standards.

The proposed rezoning to IP(PD) Planned Development Zoning District is well suited for the project site because it is located adjacent to the Coyote Creek Park trail system on an unoccupied industrial site with an unused large structure that is suitable for the proposed uses of indoor soccer, hockey, gymnastics, etc. The proposed zoning would provide a buffer between the industrial areas to the east of Coyote Creek and residential areas to the west of the Creek. Indoor recreational uses on the site would provide a valuable amenity to children and adults of the surrounding residential areas and the employees from the industries of the Edenvale Development Area, and the proposed uses are compatible with the needs of the existing surrounding development.

If the Planned Development zoning application is approved, the current proposed use and any future development proposed would be reviewed for conformance with the *Industrial Design Guidelines* and *Commercial Design Guidelines*. The development would also need to provide parking pursuant to the City of San José's off-street parking requirements as set forth in the Zoning Ordinance or by a Parking Demand Analysis completed to the satisfaction of the Director of Planning, Building and Code Enforcement.

### **EVALUATION OF INDUSTRIAL LAND CONVERSION**

The subject proposal would change the General Plan land use designation and Zoning to allow non-industrial uses, thus requiring review using the *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses* (Framework). Attached to this report is an analysis of the proposal based on the criteria established in the Framework.

### **ENVIRONMENTAL REVIEW**

A Draft Mitigated Negative Declaration was circulated on May 6, 2005 for public review and comments. The Mitigated Negative Declaration includes mitigation measures for both the General Plan amendment and Planned Development zoning, to reduce any potential impacts to a less than significant level per the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration concluded that the project would have a less than significant impact with mitigation measures in the following categories: Hazards and Hazardous Materials; Hydrology and Water Quality; and Land Use and Planning.

#### **Hazards and Hazardous Materials**

The project site is located in an area where hazardous materials are routinely used and stored by various businesses. As a result, two risk assessment reports were completed to answer questions related to the likelihood of an accidental release of a hazardous/toxic substance from a nearby business that uses/stores such materials, and if an accidental release did occur, what would be the resultant risk to the employees and patrons of the proposed project facility. The industrial businesses using toxic chemicals are subject to extensive controls by a number of local, state and federal regulations that address the safe storage, handling and use of such chemicals. As a result, the likelihood of a catastrophic release of toxics into the air was considered to be highly improbable. However, such a release was found to be theoretically possible if all of the existing safeguards at the location where such materials are used were to fail simultaneously.

It was concluded that to minimize the possibility that children and other users of the facility could be exposed to harmful concentrations of hazardous materials, the project would develop an emergency action plan that includes a shelter-in-place component. Such emergency plans are a

standard requirement of large assembly-type uses such as churches or daycare centers located in close proximity to industrial uses employing hazardous chemicals. Implementation of Project Specific Mitigation Measures and the *Hazardous Materials Policy Nos. 1 and 9* in the *San José 2020 General Plan* would mitigate the potential impact.

- *Hazardous Materials Policy No. 1* states that the City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.
- *Hazardous Waste Management Policy No. 9* states that proper storage and disposal of hazardous wastes shall be required to prevent leaks, explosions, fires, or the escape of harmful gases, and to prevent materials from combining to form hazardous substances and wastes.

## **Hydrology and Water Quality**

The proposal calls for additional parking spaces thereby increasing the impervious surface area as compared to the previously approved Site Development Permit (File No. H98-116). The applicant would be required to revise the previous hydrology study before the pending Planned Development permit is approved. In addition, vegetated swales would be required between the terraced parking lots between the existing building and Embedded Way, and a buffer zone of riparian vegetation would be required between the proposed rear (south) parking areas and the Coyote Creek County Park trail per the Best Management Practices. These and other landscaping Best Management Practices (BMPs) would lessen storm water runoff on site.

## **Land Use**

### **A. Impacts from the Proposed Land Use:**

Development of indoor recreational land uses adjacent to an established industrial area could limit and restrict future industrial users because of the use intensity of the project site and the involvement of sensitive receptors at the proposed site. Specifically, conflicts could arise between the industrial uses, which use hazardous chemicals, and the sensitive receptors using the project site.

### Industrial Land Use Goals and Policies

Implementation of the proposed General Plan amendment could result in land use conflicts between the existing surrounding industrial uses and potential future indoor recreational development per *Industrial Land Use Policy Nos. 11 and 14*. The businesses could be discouraged to locate in the area, or expand some operations, because of the incompatibility of the land uses.

*Industrial Land Use Policy No. 11* states that because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-residential uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to locate adjacent to these areas of the City, and in particular, sensitive receptors should not be located near primary industrial areas.



*Industrial Land Use Policy No. 14* states that non-industrial uses which would result in the imposition of additional operational, and/or mitigation requirements, or conditions on industrial users in a neighboring exclusively industrial area in order to achieve compatibility are discouraged.

An Emergency Action Plan will be required to protect customers and employees on the subject site from the specific hazard. This could include, but not be limited to, “shelter in place.” As a result the restrictions on the industrial users of hazardous chemicals would be reduced to a less than significant impact.

In addition to the above mitigation measures, all future development on the project site would be subject to the City’s applicable design guidelines and policies:

- The City of San José has adopted the *Industrial Design Guidelines*, as well as the *Commercial Design Guidelines*. The standards for the proposed Planned Development Zoning will be drawn from these guidelines for proposed projects on the site. As stated in *Urban Design Policy #22*, adherence to these policies is encouraged in the General Plan.
- Policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating potential environmental effects resulting from planned developments in the City. *Urban Design Policy Nos. 1 and 22*, and *Industrial Land Use Policy No. 14* are mitigation measures for the proposed project.

## **B. Impacts to the Proposed Land Use:**

Uses allowed on the Industrial Park site adjacent to the project site (on the eastern and northern sides of the property) or within a half-mile radius from the project site include industrial uses that involve hazardous and toxic chemicals.

Implementation of the proposed General Plan amendment and Planned Development zoning would result in future occupants of the building, especially the sensitive receptors on the project site, being potentially exposed to impacts associated with the adjacent industrial park. Children could be a major portion of the 300 persons estimated to use the facility at peak hours of operation.

- The project would develop an Emergency Action Plan that includes a shelter-in-place component and the development and uses under the proposed General Plan amendment and Planned Development zoning on the proposed site would be required to comply with the mitigation measures for Hazards and Hazardous Materials as specified in the Mitigated Negative Declaration.

## **C. Conclusion:**

Any indoor commercial uses developed under the Industrial Park land use designation with the proposed Mixed Industrial Overlay and the proposed Planned Development zoning on the site could result in restrictions on the existing and future industrial uses involving hazardous chemicals in the vicinity of the site because of the proposed change in use intensity and involvement of the sensitive receptors at the site. However implementation of *Urban Design Policy Nos. 1 and 22*, *Industrial Land Use Policy No. 14* in the *San José 2020 General Plan* and project-specific mitigation measures would mitigate the potential impact. The standards for the proposed Planned Development zoning are drawn from the *Industrial Design Guidelines* and *Commercial Design Guidelines* that are applicable to the proposed and future projects on the site.

## **PUBLIC OUTREACH**

A newsletter was sent to the property owners and tenants within a 1000-foot radius of the subject site informing them about the community meetings that were held on February 16 and 24, 2005 and on April 25 and 26, 2005 to discuss the proposed General Plan amendment and rezoning. They also received a hearing notice regarding the public hearings to be held on the subject amendment and proposed rezoning before the Planning Commission and City Council. Information about the status of this amendment and rezoning are also made available on the Department's web site.

At the community meeting held on February 16, 2005, two residents from the surrounding neighborhood expressed some concerns regarding the existing industrial uses and the amount of additional traffic that this project would generate. Staff has received a total of three phone calls and two written comments requesting clarifications and commenting on the proposal (see letter dated March 20, 2005 by the Meyers). Two of these queries requested clarifications on the scope of the project. Two other comments involved complaints regarding activities that have been happening on a daily basis in and around the site and along parts of Coyote Creek trail, especially during night time hours. A resident stated that the current site is connected with a bike path that originates in Hellyer Park that can be accessed from Shady Oaks Park on Coyote Road providing easy access to people who gather near the project site. One other complainant, an industrial occupant, had concerns about land use issues related to the proposed applications.

The following issues were identified by residents and a business occupant:

- A caller representing a neighboring industrial business was concerned about the location of the proposed use in an exclusively industrial area because, he said, his facility handles chemicals, and the proposed project could impact his business as well as the occupants of the proposed project. He stated that it would be very difficult for the business to operate next to the proposed use.
- Youngsters in and around the project site create a nuisance on a daily basis, especially at night. Activities include illegal fire works, mini-motorcycle racing at night by a large group of young males (20 to 25 at a time), young motorcycle riders doing hand-stands, and other dangerous maneuvers on city streets, cars spinning donuts on the dead end of the Embedded Way, and property vandalism.
- There are concerns regarding more industrial uses located next to residential areas.
- More noise, traffic, and higher crime incidents are also of concern.

Staff has responded that indoor recreation uses on the subject site could provide young people with an opportunity for activities that would not negatively impact surrounding neighborhoods.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to change the General Plan Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay.

In addition, Planning staff recommends that the Planning Commission forward a recommendation to the City Council, that should the General Plan be amended, to approve the proposed rezoning from Industrial Park to Industrial Park (PD) Planned Development Zoning District.

**Attachments**

PBCE002/GP\_Team/2005Annual Review/GP04-02-03/Staff Report/GP04-02-03\_C05-004 Report.doc

## Evaluation of Industrial Land Conversion

The site is located in the Edenvale 2 subarea and Edenvale Development Policy Area. As a conversion from an exclusively industrial land use designation to a land use designation that allows non-industrial uses, the proposal must be evaluated using the *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses* (Framework). The Framework classifies employment lands into three different categories: **1)** subareas to promote or facilitate conversion to housing, retail, mixed use, or other Household-Serving industries; **2)** subareas to consider for conversion to housing, retail, mixed use, or other Household-serving industries in certain circumstances; and **3)** subareas to preserve for Driving and Business Support Industries. The subject site is in Edenvale 2, a subarea that is listed in the third category. The Framework identifies key criteria that need to be evaluated when considering conversion of employment lands to other uses. The following is an analysis of the proposed General Plan amendment based on the established criteria:

1. Economic contribution of the subarea: the previous land uses of the project site were uses that supported industry in the area. Currently the site is unoccupied. A new indoor recreational business and its supporting commercial businesses could contribute to the retail tax base for the City and provide additional employment opportunities and amenities for area employees.
2. Consistency with the City's Policies, Goals, and Strategies: the proposed General Plan amendment supports General Plan goals and policies as analyzed previously in this staff report.
3. Fulfilling the City's retail needs: approval of this General Plan amendment would encourage commercial development that would act as a buffer between the residential and industrial uses. It could allow a community recreational amenity for the nearby residential and industrial areas. Ancillary uses could fulfill retail needs.
4. Adequacy of major street access: Traffic to the project site would utilize Hellyer Avenue and Embedded Way (formerly Branham Lane East). U.S. Highway 101 located approximately 1,600 feet directly west of the site provides regional access to the proposed site. U.S. Highway can be accessed by the Hellyer Avenue interchange 2.3 miles to the north, and the Silver Creek Valley Road interchange approximately 1.6 miles to the south. The Department of Public Works has indicated that there are no major access constraints to the site. The project site has adequate accessibility from major streets.
5. Potential environmental impacts and mitigation measures: The proposed General Plan amendment and Planned Development rezoning were analyzed in an Initial Study that resulted in a Mitigated Negative Declaration that was circulated on May 6, 2005, and is scheduled to be adopted on May 25, 2005. The Initial Study determined that the change in land use would create less than significant impacts in the following environmental categories with the inclusion of General Plan policies, and other programmed project specific mitigation measures:
  - Hazards and Hazardous Materials
  - Hydrology and Water Quality
  - Land Use and Policy
6. Net fiscal impact on the City of using this parcel for retail instead of the current use: The site is currently unoccupied. Indoor recreational development and its associated commercial operations on the site have the potential to increase sales tax dollars as well as provide employment opportunities.